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No. 1.

**JOURNALS OF THE COUNCIL OF VIRGINIA
IN EXECUTIVE SESSIONS, 1737-1763.**

(From the Originals in the Virginia State Archives.)

[There are among the Colonial Archives of Virginia, now in the State Library, a number of small volumes, originally in sheets and unbound, which contain the only records, remaining in Virginia, of the proceedings of the Council in its executive capacity during the period 1737-1763. Some of these journals are only rough drafts of minutes, with omissions, while others are full and fair records of the proceedings of the Council. The journals which have been preserved do not cover the whole time between the dates named, as there are some gaps.

These volumes, which, as has been stated, were originally not bound, have been, at some unknown time, bound up in several large volumes; but without much regard to chronological sequence, and mingled with papers dealing with other subjects.

This Society has had accurate copies made of all and will publish without omissions.

The period covered by these journals was one of great interest and importance in the history of Virginia and the American Colonies. At the time they begin Sir William Gooch had been

ten years Governor of the colony, an office which he filled until 1749. He was succeeded in 1749-50 by the short administrations of John Robinson, Thomas Lee and Lewis Burwell, Presidents of the Council. Then from 1751 to 1758 came Robert Dinwiddie, who, after an interval of a few months when John Blair, President of the Council, was acting Governor, was succeeded by Francis Fauquier, who was still Governor when this series of journals ends.

The time covered was a period of rapid growth and prosperity in Virginia, and of marked increase in wealth and cultivation. A year before the first date here given, the first newspaper in Virginia was published. Just as these journals begin the movement of the Scotch-Irish to the Valley of Virginia, chiefly through the efforts of Beverley and Borden, was begun. By 1734 the Germans had gained a firm foothold in the Valley, in the manner which had been shown by the Council orders recently printed in this Magazine under the title "The Early Westward Movement of Virginia" and edited by Mr. Charles E. Kemper in such a luminous and scholarly way. Throughout the period the great westward movement continued, receiving a check during the French and Indian War, which ended in the same year with the last of these journals. This period is also noteworthy for the establishment or rapid growth of denominations dissenting from the established Church.

In 1740, during the war with Spain, Virginia troops took part in the expedition against Carthagera, and in the same year the first Presbyterian minister, Rev. John Craig, settled west of the Blue Ridge, and Whitfield preached at Bruton Church, Williamsburg, by the invitation of Commissary Blair.

Another institution, which affected the people of Virginia in quite a different way, took formal shape about the time these journals begin. Though racing with saddle horses had been a favorite amusement from the earliest days of the Colony, it was not until about 1737-40, that the importation of the progenitors of the modern thoroughbred began, and that horses were kept solely for racing. In 1754 hostilities with the French began, and with them the war which was to end in their total defeat. The year 1763, which is the last covered by the journals here printed was marked by the treaty of Paris, which gave North

America to England, by the royal proclamation of Oct. 7, 1763, which was intended to check the westward growth of the coast Colonies, and, in Virginia, by the "Parsons Cause," in which Patrick Henry, in a certain sense, began the Revolution.]

No. 15

FROM AUG. 5TH 1737, TO DEC. 21, 1738.

At a Council held at the Capitol, August the 5th, 1737.

PRESENT :

The Governor¹

Mr. Com'y Blair	John Grymes
Wm. Byrd	John Curtis
Cole Diggs	&
John Robinson	Philip Lightfoot, Esq'rs

The Acco'ts of His Majesties Revenues of 2s. p. hhd. ending the 25th of April last & also the Account of His Majesties Quit Rents for the Year 1736 Accounted for in April last were severally presented by His Majesties Receiver General² &

¹The Governor was William Gooch (subsequently knighted) who was born Oct. 2, 1681, and died Dec. 17, 1751. His administration lasted from S-pt. 8, 1727 to June 20, 1749. He was one of the most highly esteemed and respected of the colonial governors. See Campbell's History of Virginia, 416-449. The members of the Council present at this meeting were Rev. James Blair, D. D. (1656-1743), first President and chief founder of William and Mary College, Commissary of the Bishop of London, appointed to the Council in 1689, and at this time President of that body; William Byrd (1674-1744) of "Westover," who is so well known as an author; Cole Digges (1692-1744) of "Belfield," York Co., who was appointed to the Council in 1719, and was a grandson of Governor Edward Digges; John Robinson (1683-1749) of "Piscataway," Essex Co., appointed to the Council in 1720, who was in 1749, as President of that body, acting Governor, and was the father of Speaker John Robinson of Va., and of Beverley Robinson of New York; John Grymes (1692-1748) of "Brandon," Middlesex Co., who was appointed to the Council in 1725, and was Receiver General 1723-1748 and Auditor General 1718, &c.; John Custis (3d) (1678-1749) of "Arlington," Northampton Co., appointed to the Council in 1727, and Philip Lightfoot (1689-1748) of "Sandy Point," Charles City Co., who was appointed to the Council in 1733.

²The Receiver General at this time was John Grymes.

having been examined by the Auditor, the said Receiver General made Oath thereto in Council & the same were severally certified by the Governor.

Whereas through a long continuance of unseasonable Weather there is great reason to fear a Scarcity of Indian Corn & other Grain. It is therefore resolved & Ordered that from & after the 10th day of this month no Indian Corn, Wheat, Peas, Beans or other Grain whatsoever be exported³ out this Dominion or Ship'd in or for Exportation until the last day of October next & that a Proclamation issue accordingly.

William Simmons Gent is appointed Sheriff of the County of Surry for the current year.

On reading at the Board the Petition of the Minister Church Warden & three of the Vestry of the Parish of Suffolk⁴ in the County of Nansemond Complaining that Mr. Edmund Godwin⁵ & Mr. Thos. Godwin Junr. two of the four Vestry Men appointed to Treat with workmen for building a new Church in the said Parish refuse to perform their duty whereby the building of the said new Church is greatly delayed, It is Ordered that the said Edmund Godwin & Thos. Godwin together with the other Vestry Men of the said Parish do attend this Board on

³By act of Assembly, Feb., 1727, (*Hening IV*, 221), the governor was authorized from time to time, as there might be occasion, to issue his proclamation prohibiting the exportation of food supplies.

It appears from the *Va. Gazette* that this proclamation was issued under the authority of the act named. The proclamation was published in the *Va. Gazette* October 21-28, 1737.

⁴The parish of Suffolk was sometimes called the Lower Parish. Bishop Meade had but little information concerning it. He states that there were two old brick churches in it, one on the left and the other on the right bank of the Nansemond River, and each about ten miles from the town of Suffolk. For notices of the parish see *Hening I*, 250, 251; *V*, 269; *VII*, 303; *VIII*, 53, 287, 371. Lands and money were left to the parish by Richard Bennett, the elder, Richard Bennett, the younger, Thomas Tilly. John Yates founded a free school in the parish.

⁵The Godwins were members of a large and influential family in Nansemond and Isle of Wight. Thos. Godwin of Nansemond was Speaker of the House of Burgesses in 1675. See this *Magazine V*, 198, &c.

the third day of the next General Court to shew cause why they have not complied with the former order of the said Vestry.

Ordered—That there be paid to Edward Doughty the Sum of fifty Shillings Current money in full of his demand for the entertainment of the Marshall of the Court of Vice admiralty & his Guard in bringing certain Pyrates to Williamsburg.

The Petition of George Holden for a Licence to practice as an Attorney in the County Courts is refer'd to Mr. Attorney General^a who was to examine the Pet'r's qualifications & make Report thereof to this Board.*

^aThe Attorney General was John Clayton. The *Virginia Gazette* of Nov. 18, 1737, has the following: "This morning between 5 and 6 died at his House, in the 72d year of his Age, *John Clayton*, Esq., His Majesty's Attorney General and Judge of the Court of Vice-Admiralty of this Colony, the first Justice in the Commission of the Peace of *James City County*, Recorder of this City, &c, Which Offices he executed with Justice and Probity He bore a good Character, among his Acquaintance, and his Death is much lamented," and the issue of Nov. 25th states that: "On Wednesday Evening, the Funeral of John Clayton, Esq., was solemnized from his late Dwelling House, to the Church, in this City, in a very decent manner. His Honour the Governor has been pleased to appoint Edward Barradel, Esq., to act as Attorney General, until His Majesty's Pleasure shall be known."

John Clayton, who was born in 1665, was a son of Sir John Clayton, of London, and Parson's Green, Fulham, Middlesex, England, and was a brother of Lt. General Jasper Clayton, of the English Army, who was killed at the battle of Dettingen in 1743. John Clayton studied at one of the Universities (probably Cambridge), admitted to the Inner Temple, June 8, 1682, was called to the bar, and coming to Virginia in 1705, was appointed Attorney General in 1714. He was the father of John Clayton, of Gloucester Co., Va., the botanist.

Edward Barradall, Clayton's successor, held the office until his death in 1743, and was the author of manuscript reports of cases in the General Court, one volume of which is in the collections of the Virginia Historical Society and another in the State Law Library. He married Sarah, daughter of Hon. William Fitzhugh, of the Council. The epitaph on his tomb in Bruton Churchyard, Williamsburg is given in *Virginia Historical Collections* XI, 75.

*The legal requirements for admission to the bar varied during the Colonial period. By Act of Assembly, March, 1642-3 (*Hening* I, 275), it was directed that all attornies should be licensed by the Court before which they were to plead. Another act of December, 1656 (*Hening*

The Petition of Robert Brooke for Patents for two Tracts of Land on Cohongoruton River Survey'd for Thos. Havert & Js^a. Walker who have neglected to pay him for the said Surveys is refer'd until the Boundaries between His Majesty & the Lord Fairfax be determined it appearing the said Land is within the disputed bounds.

Benja. Allan⁷ Wm. White having made application for Patents to be granted them for two Tracts of Land on the West side Sherrando River. It appearing by the Testimonial of Robt. Brooke the Surveyor that the said Land is clear of any pretensions of the sd. Lord Fairfax. It is Ordered that Patents be granted them accordingly.

Mr. ——— Gunn is appointed an Inspector at Swineyards⁸ Warehouse in the Room of Mr. Royal who is removed to be an Inspector at Turkey Island⁹ Warehouse in the Room of his Brother lately dec'd.

Several Petitions for Leave to take up his Majesties Land were read & granted as follows, vizt.

I, 419), directed that the Governor and Council should license for the quarter court, and the Commissioners (justices) for the county courts. This act provided that none should be called counsellors at law except those who had qualified thereto by the laws of England. In June, 1680 (*Hening* II, 478), it was enacted that all attornies should be licensed by the Governor. None of these acts make any provision for examination; but a law enacted at the session of May, 1732, reciting the fact that the number of ignorant attornies practising in the county courts had become a great grievance, directed that all persons desiring to practise as an attorney in any county or other inferior court should present their petitions to the Governor and Council, and that they should refer the applicants to persons learned in the law, whom they should designate, who should examine said applicants. These provisions were continued by various, more detailed and stringent acts, until the close of the Colonial era.

⁷The grant to Benjamin Allen, &c., was probably in the southern portion of the present Shenandoah County or the northern portion of the present Rockingham. The north branch of Shenandoah River was called "Ben Allen's River," on Fry and Jefferson's Map, 1751 (information of Charles E. Kemper).

⁸Swineyards, in Charles City County.

⁹Turkey Island, in Henrico County.

To William Randolph, John Harmer, Will Walter King, Nicholas Merriwether the jun'r, John Cole & Peter Jefferson fifty thousand Acres beginning at a place called the Crabb Orchard near the Ridge of Mountains on the head Springs of Sherrando & running South Westerly between the blue Ridge & third Ridge provided the same do not interfere with any former Entry.

To Geo. Walker One thousand Acres beginning at the Main fork of Cubb Creek about four Miles from the mouth thence up both sides of both forks & out on the Main Ridge between Cubb Creek¹⁰ & Turnip Creek and three thousand Acres on the branches of Roanoke in Brunswick County.

To Stephen Hughes & John Alexander Leave to join two thousand & fifty Acres surveyed for them to four hundred Acres Surveyed for William Kennon and to take up as much Kings Land as will make the whole three thousand Acres on both sides of Randolphs Creek on the South side James River in Goochland County.

To Alexander Marshall three thousand Acres on the North fork of Slate River on the North side of the said fork in Goochland County or elsewhere on said River where it is not already entered to complete the quantity.

To William Hatcher two thousand Acres on Swift Creek in Henrico County.

To Joseph Foster seven thousand Acres in Hanover County beginning at several Trees marked E E on the head branches of the North fork of James River near the blue Ridge of Mountains.

To Micha. Holland, Henry Chiles, Alxr. Tynson, Jas. Walker and Joseph Walker ten thousand Acres in Brunswick County on the head of falling River¹¹ to begin at the said Tynsons Camp in one or more Tracts.

To Philip Thurmond one thousand Acres in Goochland County joining a Patent he has on Philip Brits & to have an inclusive Patent.

¹⁰ Cubb Creek is in the present county of Charlotte.

¹¹ Falling River is in the present Campbell County.

To Samuel Lee twelve hundred Acres beginning at John Ledbetters line at white Oak, thence across over to the Reedy Branch thence up the said Branch to his own line thence up Acocks line to Peter Mitchells line thence down to Thos. Rosers corner & round his own line for quantity in Prince George County.

To William Jones eight hundred Acres joining a Tract of two hundred and seventeen Acres already Patented by him lying on the great Creek of Nottoway River & joining on William Cottervells Land in Prince George County and to have an inclusive Patent to the whole.

To Robt. Lewis Leave to have an inclusive Patent for three several Surveys of two hundred, two hundred and fifty and four hundred Acres joining to Sixteen hundred Acres already Patented in Goochland County.

To John Robinson Leave to have an inclusive Patent for Eight hundred & ninety Acres of Land on Deep Creek in Goochland County already laid off in several Surveys.

To William Taylor Leave to have an inclusive Patent for four hundred Acres he bought of Charles Lynch ly in Goochland with eight hundred Acres Surveyed for himself on Moores Creek.

On reading at the Board the Petition of Chas. Hudson and Michael Holland in behalf of themselves & others their partners setting forth that they had formerly obtained a Grant of this Board for eight thousand Acres of Land on Vaughns Creek ¹¹ in Amelia County, & that forasmuch as upon examining into the bounds of the said Land there is not that quantity contain'd therein. And praying Leave might be granted to take up the remainder below Vaughns Creek & on the head of Cubb Creek a branch of Roanoke in one or more Surveys. It is Ordered that the Surveyor of Amelia lay off the same according to the Prayer of their Petition.

¹¹ Vaughn's Creek is in the Northwestern portion of the present Prince Edward.

At a Council held at the Capitol Octo'r 17th, 1737.

PRESENT :

The Governor

Mr. Com'y Blair	John Grymes
Wm. Byrd	John Custis
John Robinson	J. Tayloe ¹⁴ &
John Carter ¹³	Thos. Lee ¹⁵ Esq'rs

On reading this day at the Board a Letter from James Logan Esq'r dated the twenty first of the last Month proposing that further Measures be taken to induce the Catawbaw Indians to make Peace with the six Nations under the Government of New York. It is the Opinion of this Board & accordingly Ordered that a Message be sent to the said Catawbaws inviting them to a Treaty and in the mean time to dissuade them from any Hostilities on the said six Nations or their Allies.

John Howard ¹⁶ by his Petition seting forth that he together

¹³ John Carter, eldest son of Robert Carter, of "Corotoman," is believed to have been educated in England, and in 1722 and earlier was residing in London as agent for Virginia. He was appointed Secretary of State of the Colony in 1722, and member of Council in 1724, and held both offices until his death, July 13, 1742. He married Elizabeth, daughter and heiress of Edward Hill, of "Shirley," Charles City Co.

¹⁴ John Tayloe, of "Mt. Airy," Richmond Co., who was born Feb. 15, 1687, was appointed to the Council in 1732 and held the office until his death in 1747. He was one of the wealthiest planters in Virginia.

¹⁵ Thomas Lee (1690-1750) of "Stratford," Westmoreland Co., was appointed to the Council in 1732-3, and as President of that body was acting Governor from Sept. 5, 1749, to his death on Nov. 14, 1750. He was the father of Richard Henry and Francis Lightfoot Lee, signers of the Declaration of Independence.

¹⁶ Kercheval (*History of the Valley*, 3d ed. p. 47) recites a tradition that before the first settlement of the Valley a man named John Howard, crossed the Alleghany mountains, and descended the Ohio and Mississippi to New Orleans, whence he went to France and England. In England he is stated to have informed Lord Fairfax of the fertility of the South Branch. This order corrects Kercheval's tradition as to time at least. In Du Pratz' *History of Louisiana* (London 1774) John Peter Salling and John Howard are said to have made this trip in 1742 and the authority is said to be a *Report of the Government of Virginia*. But Salling was at home again in 1742. Evidently the trip was made earlier. See Withers's *Border Warfare*, pp. 48-49, Thwaites' Note.

with divers other Inhabitants on Sherrando River are willing at their own charge to go upon discoveries on the Lakes & River of Mississippi And praying a Commission for that purpose. It is accordingly Ordered that a Commission be granted the said Howard to Command such men as shall be willing to accompany him on such discoveries, but with this caution that he dont offer any Hostility to any Indians or others he may happen to meet with nor go to any ffort or Garrison possess'd by the french on the said Lakes or River.

Octo'r 18th, 1737

PRESENT :

The Governor

Mr. Com'y Blair	John Grymes
Wm. Byrd	John Custis
Cole Digges	John Tayloe
John Robinson	Philip Lightfoot &
John Carter	Thos. Lee Esq'rs

On hearing this day the parties on the Complaint of Daniel McCarty Gent ag't Sam'l Oldham one of the Inspectors at Yeocomico. It appearing by the several Depositions taken in the Country as well as the examinations of divers Witnesses now present that the said Oldham has been guilty of divers evil practices & misdemeanours in his said Office of Inspector. It is therefore Ordered that the said Samuel Oldham be from henceforth removed from acting any longer in that Office.

At a Council held at the Capitol Octo'r 26th 1737

PRESENT :

The Governor

Mr. Com'y Blair	John Grymes
Wm. Byrd	John Custis
Cole Digges	John Tayloe
Jno. Robinson	Philip Lightfoot &
John Carter	Thos. Lee Esq'rs

This Board taking into consideration the extraordinary trouble & attendance of the Gunner at York Fort for which his

present Salary is no waies a proportionable recompence, It is Ordered that there be paid him for the future fifteen Pounds p. Annum.

On Consideration of the several demands of the Surveyors¹⁷ employed in running the courses of the Rivers of Potomack & Rappahannock. It is Ordered that there be allowed to them the Sums following, viz :

To Mr. John Warner for the County of KingGeorge	£15. —. —
To Chain Carriers & other Expences	10. 5. 6
To Mr. James Thomas Surveyor of Westmorland	
County	15. —. —
To Chain Carriers & other Expences	5. 10. —
To Mr. Barber Surveyor of Richmond County	15. —. —
To Chain Carriers & other expences	8. 17. 8
To Mr. Savage Surveyor of Stafford County	15. —. —

One half of all which charges above mentioned are to be de-frayed out of His Majesties Revenue & the other half to be paid by the Right Hon'bl Lord ffairfax pursuant to the agreement of the Commissioners appointed for ascertaining the Boundaries.

Whereas Sr. John Randolph was in his life time retain'd & gave his advice in preparing the Commission for ascertaining the Boundaries of the Northern Neck, It is Ordered that there be paid to his Executors for the said Service the Sum of ten Pounds.

Ordered—That the like Sum of ten Pounds be paid to Mr. William Robertson for the like Service & advice & for preparing Instructions for the said Commissioners.

Ordered—That there be paid to Mr. Joseph Davenport the Sum of £2.3.

To Mr. Bedford Davenport the Sum of £5.7.6. for their trouble in Transcribing the Report of the Commissioners for settling the Boundaries & the several Papers annexed there to & transmitted to his Grace the Duke of New Castle His Majesties Principal Secretary of State & to the Right Hon'ble Lords Commissioners for Trade & Plantations.

¹⁷These surveys were made to settle the boundaries of the Northern Neck In the *Calendar of Va. State Papers* I, 223-231 are various documents in regard to the subject. See this Magazine XIII, 114, 115.

On the Application of Mr. John Graem It is ordered that an Additional Allowance of ten pounds be made him for his trouble in Surveying the River Rappadan over & above what hath been paid him.

The Acco't of Contingent Charges for the last half Year & also an Acco't of Expences about the Governors House was severally examined & allowed.

The Governor & Council was pleas'd to Nominate the following Persons to be Sherifs for the ensuing Year Vizt.

County of Charles City—Sam'l Harewood.

Prince George, Wm. Eppes.

The following Persons were appointed Inspectors of Tobacco at the several Warehouses herein after mentioned Vizt.

At Hunting Creek, John Minors.

Swineyards, David Royster.

Cherry Stones, George Kendall in the Room of Mr. Nottingham.

Deep Creek, Martin Shermar in the Room of Mr. Chinn.

Glasscocks, Rawleigh Chinn in the Room of Mr. Shermer.

Totuskey, Henry Disken in the Room of Mr. Plummer who has resign'd.

Grèys Creek, Tho's Holt in the Room of Mr. Simmons dec'd.

Ordered—That a new Commission of the Peace issue for the County of Gloucester & that Mr. Lawrence Smith be kept in his former Rank & that Charles Debnam John Smith, Rob't Throgmorton, Mordecai Cook Jun'r, Ambross Dudley, Thos. Hayes, Robert Bernard & James Hubard be added to the acting Justices in the said Commission.

Ordered—That a new Commission of the Peace issue for the County of Goochland and that Miles Cary & Arthur Hopkins be added to the acting Justices in the said Commission.

Ordered—That a new Commission of the Peace issue for the County of Westmorland & that Franc's Whiting, Geo. Lee, Sam'l Eskridge & John Watts be added to the present acting Justices.

On consideration of the present condition of the Colony with respect to the scarcity of Indian Corn, It is the Opinion of this Board that the further continuance of the Prohibition of the Export of that Commodity is absolutely necessary for supply-

ing the wants of the Inhabitants but in regard there is a greater quantity of wheat & Pease now in the Country then the necessities of the People require, It is Ordered that the Exportation of Indian Corn & Meal made thereof be Prohibited until the twentieth day of June next but that Wheat & all other Grain be permitted to be Exported as usual & that a Proclamation issue accordingly.

Ordered—That the General Assembly be further Prorogued until the Second thursday in January next & that a Proclamation issue accordingly.

The matter in dispute between the Minister & Church Wardens & others of the Vestry of the Parish of Suffolk in the County of Nansemond touching the building a new Church in the said Parish is referred to be heard at the next Court of Oyer & Terminer & that the several parties have Notice to attend by themselves or such as they shall depute for that purpose.

Whereas Mr. Charles Green¹⁸ On his application to the Governor obtained some time agoe a Letter of recommendation to the Vestry of Truro Parish to admit him to Officiate as their Minister until further Order but upon his presenting the said Letter hath behaved himself in a very unbecoming manner as appears by two of the Vestry men of the said Parish. It is ordered that the s'd Green attend this Board at the next Court of Oyer & Terminer to answer what shall be then objected to him.

On hearing the matter in dispute on the Petition of John Brodie against Henry Wilson for Land in the County of Brunswick, It is the opinion of this Board & accordingly ordered that the said Wilson have a patent for the said land & that if the Survey be not already returned that then Mr. Drury Stith Surveyor of the said County do attend this Board at the next Court of Oyer & Terminer & bring with him the said Survey & that he further come prepared to satisfie this Board why he did

¹⁸ It appears from Meade II, 225 that Rev. Charles Green was minister of Truro Parish, Fairfax county, 1754-64 and possibly later. As will be seen by a later order, Mr. Green assumed, incorrectly, that Lord Fairfax and not the Governor had the right to present to parishes in the Northern Neck.

not return the said Survey in due time it appearing by the Testimonial of Theophilus Field that the said Stith was paid several Years agoe both for the said Survey & had a consideration given him for his trouble in suing out the Patent.

At a Council held at the Capitol Nov'r 3d, 1737.

PRESENT :

The Governor

Com'y Jas. Blair	John Grymes
Wm. Byrd	John Custis
Cole Digges	John Tayloe
John Robinson	Phil'p Lightfoot &
John Carter	Thos. Lee Esq'rs

The following warrants* on His Majesties Receiver General to be paid out of His Majesties Revenue of 2s. p^{h} hhd. Port Duties & head Money were this day signed by the Governor in Council vizt.

To the Governor half a Years Salary ending the 25th of Octo'r last	£1000.	—.	—
To the Council for the same time	300.	—.	—
To the Judges & Officers of the Court of Oyer & Terminer held in June	100.	—.	—
To the Auditor of the Plantations half a Years Salary end'g as before	50.	—.	—
To the Sollicitor of the Virginia Affairs for the same time	50.	—.	—
To the Attorney General for the same time	35.	—.	—
To the Clerk of the Council for the same time	50.	—.	—
To the Ministers attending one General Court	6.	—.	—
To the Armourer	6.	—.	—
To the Gunners of the several Batterys	22.	—.	—
To William Prentis for the Governors House	77.	9.	—

*The revenue subject to the order of the Governor and Council comprised the two shillings per hogshead export duty on tobacco, which in 1734, amounted to £3,200, and the quit rents, estimated in 1738 at about £3,800. See Ripley's *Financial History of Virginia*.

To Ditto for Contingent Charges	643.	16.	4
To the Adjutant half a Years Salary ending as above	75.	—.	—

And Out of the Quit Rents.

To Mr. Commissary half a Years Salary	50.	—.	—
To the Attorney General half a Years Salary	35.	—.	—

The Acco't of His Majesties Revenue of 2s. ss hhd. &c. ending the 25th of last Month being examined by the Auditors were presented & sworn to by His Magisties Receiver General & certified by the Governor as usual.

On the Petition of William Byrd Esq'r¹⁹. It is ordered that he have further time allowed him for one Year from this date for seating his land on Roanoke River & the Branches thereof.

On reading at this Board the Petition of Benjamin Borden²⁰ &

¹⁹In the *Cal. Va. State Papers* I, 223, is an order of Council, dated June 11, 1735, which recites that Wm. Byrd, Esq., had set forth in a petition that he speedily expected a number of Switzers and other foreign Protestants to come over, and praying that 100,000 acres of land be granted him for their settlement, to be taken up on both sides of Roanoke River between Birches Creek and the River Irvine, and to be granted on the same terms as other remote frontier lands had been. Col. Byrd's expectations were to a great extent frustrated by the wreck, in Lynhaven Bay, in January, 1738, of the ship containing the Swiss emigrants and the loss of the larger number of them. The *Virginia Gazette* of January 12th and 19th, 1738 (reprinted in the *Lower Norfolk County Virginia Antiquary* II, 37-39), gives an account of the disaster; but states that the 90 survivors proposed to go on to the place of settlement. Lands which Col. Byrd owned in North Carolina, not far from the tract now in question, constituted the "Ejen" to which he made the well known journey in 1733.

²⁰The 100,000 acres grant to Benjamin Borden or Burden, a native of New Jersey, was in the present county of Rockbridge. This grant, together with that of 110,491 acres (dated Sept. 6, 1736) to William Beverley, embracing a large portion of Augusta county, about Staunton, were, to a great extent, the occasion of the Scotch-Irish settlement in the Valley. Beverley and Borden were indefatigable in introducing settlers from the North of Ireland. In regard to these grants see Waddell's *Annals of Augusta County* (new edition), 28, 29, 30, 31, 32. &c., and Peyton's *History of Augusta County*, 62-74, &c. The original grant for the "Beverley Manor" tract is in the custody of this Society. The connection of William Robertson, clerk of the Council, with Borden is shown for the first time by the order in the text.

William Robertson in behalf of themselves & their partners setting forth the unforeseen accidents & difficulties which have prevented their seating the One hundred thous'd Acres of Land Granted them on the West side the blue Ridge of Mountains on the branches of James River by a former order of this Board & praying further time for settling the said Tract. It is accordingly Ordered that further time be granted the Petitioners for the purpose aforesaid for one Year from the date hereof and that upon their bringing a sufficient number of families to settle upon the said Land within that time Patents be granted them according to the Term of the former order of this Board.

Ordered. That Joseph Temple, Antho. Walk & James Elliott be appointed Coroners for the County of King William.

Ordered. That Will'm Eustace be appointed a Coroner for the County of Northumberland.

Ordered. That Edwin Dangerfield be added to the Commission of Peace for the County of New Kent.

Ordered. That there be furnished to Mr. John Howard 40lb powder & a proportionable quantity of bullets out of His Majesties Stores & four kettles for the better enabling him to perform the Service in making discoveries towards the River Mississippi.

At a Council held at the Capitol, Dec'r 15th, 1737.

PRESENT

The Governor

Cole Digges

John Carter

John Grymes

John Custis

John Tayloe &

Thos Lee Esq"

Whereas Information is given to this Board that divers Masters of Vessels secretly take on board Indian Corn contrary to the Proclamation prohibiting its Exportation for the more effectual prevention whereof It is ordered that the Naval Officers of the several Districts do forthwith Nominate proper persons to be Commissioned by the Governor to go on board the several Plantation Vessels & from time to time to search seize and bring on Shore all Indian Corn or meal made thereof which shall be found on board any Ship or Vessel above the quantity of ten

barrels (which is hereby allowed to each Vessel for the Sea Store) & where any such seizure shall be made the said Naval Officers are hereby required to cause the Offenders to be prosecuted according to law.

The Acco't of Materials delivered by Mr. Minson Administrator of Leonard Whiting in discharge of his Debt to the Government together with the Valuation of the House built by the said Whiting at the ffort at Point Comfort was this day laid before the Board And It is ordered that the said several Materials be delivered to & charged in the Acco't of Mr. Baron^a the present Gunner & Storekeeper of the said Fort that the Surplus of the Value of the said Materials over & above the payment of the said Whittings Debt he paid to Mr. Minson out of His Majesties Revenue of 2s. p. hhd.

Thos. Harris & Thos. Mosely are appointed Inspectors at Warwick Warehouse in the Room of Franc's Redford & Edward Wilkinson.

On hearing the parties on the Petition & Caveat Entered by James Pittillow against George Tellman & Robert Abernethy Junr. for a Tract of Land lying in Prince George County Surveyed for the said Tillman above Six Years agoe & by the said Tillman sold to the above Abernethy & no Patent yet sued out by either. It appearing by the Evidence of Robt. Bolling Gen'l Surveyor of the said County that the occasion of the said Abernethys not suing out a Patent was owing to the neglect of the said Surveyors Deputy who received Money for the Rights & patent fees from the said Abernathey. It is therefore Ordered that the Caveat aforesaid be dissolved & that a Patent be granted for the Land therein mentioned to the said Abernethy. But forasmuch as it appears to this Board that George Tillman hath for a long time held the said Land without taking a Patent whereby His Majesty hath been defrauded of his Quit Rents divers Years, It is Ordered that the said Tillman pay the Petitioner James Pittillow the Sum of fifty shillings Current money for his trouble & expence in prosecuting his Caveat and Petition

^aSamuel Barron, father of the well known Revolutionary naval officers Samuel and James Barron, then commanded the fort at Point Comfort.

& that Robert Abernethy do produce a Rect. for that money before any Patent be granted him by Virtue of this Order.

On the Petition of Richard Tunstall, Benja. Winslow, John Corrie Leave is granted them to take up & Survey Thirty thousand Acres of Land on the North West side Sherrando River below Jacob Stovers upper Tract upon Condition of seating the same with one family for each thousand acres within two Years from this date it being certified by Wm. Beverley Gent. one of the Lord Fairfaxes Commissioners for running the Boundaries of his Grant that the Land now petition'd for is not within any part of the Land Claimed by His Lordship.

The Caveat Entered by Edmund Carrell, David Pitts & William Thomas for stopping an Escheat Patent sued out by Eliz. Hudson Widow on a motion of the s'd Widow by her Council is vacuated & a Patent ordered her she paying the Composition due to His Majesty & other charges accruing thereon.

Whereas upon the humble Petition of the Vestry of Chuckatuck Parish and of the lower Parish of Nansemond representing their inability seperately to support the charge of maintaining a Minister in each of the said Parishes or the other Parochial Charges, the Governor was pleased to consolidate & unite the s'd two Parishes into one By the name of Suffolk Parish and to continue the then Vestry men until by death or a removal out of the Parish the said Vestry men should fall under the number of twelve. And whereas upon examination & evident proof of the ruinous condition of the Church built on the South side Nansemond River in that part formerly called the lower Parish it was in a full Vestry held the 16 of May 1737 Resolved & agreed to build a new brick Church at a place called Jordans Mill Hill as more convenient for the people on both sides of Nansemond River than the old Church was & persons were chosen & authorized by the said Vestry to agree with workmen for building the same. Yet by the combination of some of the persons so entrusted therein refusing to act & influencing others of the said Vestry to dissent from what was formerly agreed on by them no progress hath yet been made towards erecting the said Church. And whereas upon the humble Petition of the Minister & Church Wardens of the said United Parish, The Governor was pleased to order all

parties concerned to attend the Board this day in order to a final determination of the controversys between them touching the building the said Church & now upon hearing the Arguments and allegations of both parties it evidently appearing to this Board that the old Church on the South side Nansemond River is so much decayed and in such a ruinous condition that the People cannot without eminent danger attend the divine worship therein & that the said Order of Vestry for building the said new Church was a just & reasonable appointment both in respect to the Situation & the ease of the Parishoners whose expence will be greatly lessened by applying thereto a considerable donation left for that purpose by John Yates dec'd. It is therefore the Opinion of this Board & accordingly Ordered that the Vestry of the said United Parish do with all convenient speed meet at the lower Church of the said Parish & take care that their said former order be complied with either by appointing other persons in the Room of Mr. Edmund Godding & Thos. Godding Jun'r [Godwin] (if they still refuse to except that trust) to be joined with the other Trustees heretofore by them named to agree for the speedy erecting the said new Church as they will answer their contempt in a matter wherein the Honour of Religion the respect due to his Majesties Royal Instructions in this behalf and the safety & conveniency of the Parishoners are so greatly concerned. And whereas it hath been represented to this Board that the said Vestry having now got a Majority on the North side of the said River are determined to chuse none of the Inhabitants on the South side the said River whereby as is suggested they intend to continue & encrease the hardships of the said lower Inhabitants which is contrary to that Justice & equality upon which & consolidation of the said two Parishes was first established, It is Ordered that the future choice of Vestry men none of the upper Inhabitants be chosen until there be an equal number of Vestry men on each side of the said Nansemond River & that this Order be entred in the Vestry book of the said Parish.

On the Caveat & Petition of Thos. Bibb against Nath'l Dickinson for a Grant for four hundred Acres of Land in Hanover County Surveyed long since for the said Dickinson & no patent sued out the said Dickinson having been Summoned &

not appearing, It is Ordered that a Patent be granted the Petitioner.

James Nowling having entered a Caveat for stopping a Patent to John Lad & Amos Lad for two hundred Acres of Land in Goochland County some time agoe surveyed for them & no patent sued out the said John & Amos having been summoned & not appearing, It is Ordered upon the Petition of the said James Nowling that a Patent be granted him for the said Land.

On the Petition of Joseph Randolph against Clement Reid for a Tract of Land Surveyed for the said Clement in Brunswick County by consent of the said Reid, It is Ordered that a Patent be granted the said Randolph for the said Tract of Land.

Mr. Charles Green Clerk this day appearing before the Board according to order & being heard what he had to offer in relation to the charge against him for speaking disrespectfully of the Governors Recommendation to the Vestry of Truro Parish to admit him to officiate as Minister of that Parish until he had a Licence from the Bishop of London & now acknowledging his error in insisting upon the Lord Fairfaxes Right of Presentation to the said Parish being so persuaded by His Lordship & not out of any disrespect to the Governor to whom he now understands the Right of such presentation is intrusted by His Majesties Instructions & the Laws of this Colony & promising a more decent regard to the Law & Constitutions of this Colony for the future he was thereupon dismiss'd.

Alex'r Traquair having Petitioned for a Grant of four hundred Acres of Land in Hanover County formerly Surveyed for William Smith who hath neglected to sue out a Patent for the same the said having been Summoned & not appearing, It is Ordered that the said Land be granted the Petitioner.

Ordered—That there be paid to Mr. James Skelton^a the Sum of ten pounds Current Money for his trouble in going to

^aJames Skelton, though sometimes styled Dr. Skelton, was a prominent builder and contractor. In 1750 he contracted to rebuild the Capitol. For an account of his family see *William and Mary Quarterly* XII, 61, &c.

Point Comfort to view & value the House built at the ffort there by Mr. Leonard Whiting dec'd.

Ordered—That there be paid to Mr. Philip Finch the Sum of ten pounds for laying & Planting the Avenue to the Governors House.

Ordered—That the General Assembly be further Prorogued to the last Thursday in May next & that a Proclamation issue accordingly.

A new Commission of the Peace for the County of James City is ordered & that the following Persons be appointed Justices Vizt.

Edw'd Barradall, Edw'd Jaquelin, Lewis Burwell, Tho's Bray, P. Ludwell, Henry Power, Rich'd Booker, Rob't Goodrich, John Eaton, Carter Burwell, of the Quorum, Wm. Marrable, Willis Wilson, Ianct. Woodward, Jos. Marston, Ab'm Nicholas, Wm. Prentis, Hudson Allen, R'd Talliaferro, James Bray.

At a Councilth held at the Capitol Ap'l 22d 1738.

PRESENT.

The Governor.

Mr. Com'y Blair	John Carter
Wm. Byrd	John Grymes
Cole Digges	John Custis
John Robinson	John Tayloe
	Phil'p Lightfoot &
	Thos. Lee Esq'rs

Ordered—That the General Assembly which now stands Prorogued to the last Thursday in May be further Prorogued

thIt will be noted that there is a gap in the journals from December 15, 1737 to April 22, 1738. *Virginia Gazette* covering the interval (of which the only existing volume is in the library of this Society), gives no notice of any event of public interest, except that the paper of April 7, 1738 has the following: "Last Week His Honour the Governor received Information that Two White Men, Inhabitants of *Orange* County [the original Orange] had been lately kill'd by some Indians; and that further Danger was dreaded from them by the Inhabitants of the Frontiers: Whereupon His Honour was pleas'd to give Orders, that Arms and Ammunition should be sent from the Magazine, for the Use of the Inhabitants of those Parts, which is accordingly done."

till the second Thursday in August next & that a Proclamation issue accordingly.

Whereas the Inhabitants on Sherrando River by their Petition have represented that the Northern indians frequently passing through their Plantations committ frequent outrages & have lately killed one of their men And have prayed for a supply of Arms and Ammunition for their defence. It is the Opinion of this Board & accordingly Ordered that out of His Majesties Stores there be delivered to John Lewis Gent.* who is hereby approved to be Capt. over such of the Inhabitants as live within Beverly mannor thirty Muskets & eight pair of Pistols with a Proportionable quantity of Powder & Ball. But that it should be an Instruction to the said Capt. Lewis that neither he nor any of the men under his command do on any pretence whatsoever offer any violence to any of the said Indians passing quietly through their Plantations nor to any Indians whatsoever unless the said Indians do first committ hostilities on the said Inhabitants, in which case only they are at liberty to defend themselves & to act offensively.

The Governor acquainted the Council that he had lately received a Letter from the President of Pensylvania which he caused to be read at the Board wherein the said President proposed to delay the meeting of the Cherrikee & Cattawbaw Indians with the Northern Indians until the beginning of August next & that accordingly he had sent a message to the said Cherrikee and Cattawbaw Indians desiring them that they shou'd postpone their Journey to Albany till that time.

The following Persons are appointed Inspectors :

Ellis Gill at Wicocomico during the Indisposition of Mr. Jones.

Anthony Haynes at Gibsons.

Thos. Cobbs at the Capitol & College Landings in the Room of Capt. Peirce dec'd.

Peter Hack at Adderson in the room of Mr. Parker dec'd.

Wm. MacWilliams & John Parish at ffedericksburg.

*This is, of course, John Lewis, the famous leader in the settlement of Augusta County. It is believed that this is the first published record of his appointment as commander of the militia within Beverley Manor.

Ordered. That a new Commission of the Peace issue for the County of Stafford & that the following Persons be added to the Present Justices Vizt., Jas. Hoe, Rich'd Bernard, Townsend Washington, Rich'd Foot, Wm. Harrison, John Waugh, & Mott Donaphan.

On the Application of the Officers of His Majesties Revenue, It is Ordered that Rights be issued to the Value of five hundred pounds Sterling.

His Majesty having been pleas'd to ratify & confirm an Act²⁵ passed at a Session of the General Assembly held the twenty sixth day of August MDCCXXXIV in the Eighth Year of His Majesties Reign Entituled An Act for Docking the Intail of certain Lands in the Counties of Gloucester & Elizabeth City, and vesting the same in Henry Willis in Fee Simple and for settling other Lands & Tenements and several Slaves to the same Uses The Order of His Majesty in his Privy Council & Ordered to be recorded in the Secretaries Office.

Chas. Carter Esq'r having represented to this Board that he had lately purchased from Abm. Bledsoe & Benj. Cave a Tract of Land lying upon Beaver dam Run of Hedgmans River in Orange County Granted to them by Patent bearing date the eighth day of September MDCCXXVIII & that he apprehends there contains within the said bounds a greater quantity then is express'd in the said Patent Praying leave to reserve & take a new Patent for the whole quantity within the bounds.

It is Ordered that the consideration of the said Petition be referred until it be made appear that the said Land doth not lie within the bounds claim'd by the Rt. Hon'ble the Lord Fairfax.

On reading at this the Petition of Joseph Brocke Gent. setting forth that in the Year MDCCXXIII he purchased of Larkin Chew Gent. dec'd seven thousand four hundred & fifty three Acres of Land being the residue of Nine thousand four hundred Acres lying in the County of Spotsylvania & granted to the said Chew by Patent bearing date the fourth of June MDCCXXII that the said Larkin Chew having sold several parcels out of the said Patent before the Petitioners purchase pretended that the residue

²⁵ *Hening* IV, 461.

had been exactly Surveyed & gave the Petitioner a paper under the hand of James Taylor then Surveyor of the said County wherein he alledged the several courses of the land remaining unsold were truly set down & exprest, but after the Petitioner had got his conveyance for the said Land & had seated thereon he found that the bounds exprest in the said Chews conveyance were eroneous some of the courses running ir to elder Grants & others into Pryor sales & leaving out a very great part of the Land intended to be conveyed to the Petitioner & that there was a mistake in the number of Pole in one of the courses of the said Patent but that the Petitioner apprehends the full quantity of Land intended to be conveyed to him is still remaining, And praying that the Surveyor of the said County of Spotsylvania may be ordered to survey the Land intended to be conveyed to the Petitioner by the said Larkin Chew within the bounds of the said Patent for nine thousand four hundred Acres not interfering with elder Grants or Pryor Sales including Eight hundred Acres of Land formerly granted by two several Patents to the said Larkin Chew, Joseph Chew, Rich'd Buckner & Joseph Sutton & comprehended within the bounds of the said Chews Patent & that the course of the said Patent So. 65 degrees East may be extended One hundred Poles further to reach the corner therein mentioned & that he may have a new Patent according to such Survey without paying for new Rights he having already paid the Rights according to his late Majesties directions in that behalf. The Governor with the advice of the Council taking the same into consideration is pleased to order as it is hereby ordered that the Surveyor of the said County of Spotsylvania do Survey the Lands mentioned in the Pet'rs conveyance from Larkin Chew dec'd within the Bounds of his aforementioned Patent not interfering with elder Grants or Pryor Sales & that the course of the s'd Pat. 65 degrees East be extended 100 Poles farther & that thereupon a Pat. be granted the Pet'r according to the Prayer of his said Petition.

On the Application of John Carter Esq'r It ordered that Charles Lynch be Summoned to appear at the next Court of Oyer & Terminer to shew cause why a certain Tract of land long since surveyed for the s'd Charles Linch lying on Hardway [Hardware?] River in Goochland County should not be granted to

the said John Carter for default of the said Linches suing out a patent for the same pursuant to the orders of the Government.

The several Petitions of Mr. Benja. Waller²⁶ & Mr. Abm. Nicholas Jim²⁷ Gent for leave to practice as Attorney in the County Courts were read & refer'd to Mr. Attorney Gen'l & Mr. Benja. Needler or either of them to examine their qualifications & report the same to this Board.

At a Council held at the Capitol April 27th, 1738.

Present:

The Governor

Mr Com' Blair

Wm. Byrd

Cole Digges

John Robinson

John Grymes

John Custis

John Tayloe &

Thos. Lee Esq'rs

The Acc't of Contingent charges about the Governor's house were examined and allowed.

Ordered that new Commission of the Peace issue for the County of Prince William & That Norwood Halt, John Hudnall [in the Room of Joseph Hudnal] Thos. Pierson, Jos. Blackwell, Saml. Earl, Thos. Stripling, Antho. Seal, Dan'l Tilbee, John Minor, John Awbry, Henry Terrill, be added to the present acting Justices.

Ordered That a new Commission of the Peace for the County of York issue, & that, George Gilmer, Dan'l Moor, Sam'l Reid John Ballard, John Goodwinn, Thos. Cobbs, James Barber, Ellyson Armistead, & Arthur Dickenson be added.

Ordered That a New Commission of the Peace issue for County of Surry and that; Benja. Harrison, Wm. Seaward, Kenneth Mc-

²⁶ Benjamin Waller, son of Col. John Waller, of "Newport," Spotsylvania county, was born Oct., 1716, and died May 18, 1786. He removed when a young man to Williamsburg, was a clerk of the Council, Burgess for James City county, 1744-1761, and a judge of the State General Court, 1779-1786.

²⁷ Abraham Nicholas, Jr., died Dec. 18, 1751. He was son of Major Abraham Nicholas, Adjutant General of the Colony, who died in September, 1738.

Kenzie, Edw'd Ruffin, James Chappell, Wm. Harper & Howel
Brigges be added.

The several Petitions of Gilbert Buchanan & John Osheal
Gent for leave to practise as Attorneys in the County Courts
were read & refer'd to Mr. Attorney & Mr. Benj'n Needler²⁸
or either of them to examine their qualifications & make report
to this Board.

At a Council held at the Capitol, May the 5th, 1738.

PRESENT :

The Governor

Mr. Com'y Blair	John Grymes
Wm. Byrd	John Custis
Cole Digges	John Tayloe
John Robinson	Philip Lightfoot &
John Carter	Thos. Lee Esq'rs.

²⁸ It is evident, from the frequency with which Mr. Needler was asked to examine candidates for the bar, that he was an able lawyer. In the *Sainsbury Abstracts*, (Va. State Library) is a letter introducing Benjamin Needler who was about to settle in Virginia. It states that he had been bred to the bar, was a young man of good character and ability, and was son of Culverwell Needler, clerk assistant of the House of Commons. Benjamin Needler lived in King and Queen county, where he was a vestryman of Stratton-Major Parish, was appointed clerk of the Council in October, 1739, and died before April 3, 1741. He married Alice, daughter of Gawin Corbin of Virginia, and had at least one daughter, who married Rev. Wm. Robinson, of King and Queen, Commissary of the Bishop of London.

His grandfather, Benjamin Needler, son of Thomas, of Lalehan, Middlesex, England, matriculated at St. John's College, Oxford, July 1, 1642, aged 18; fellow, 1645; created B. C. L. 14 April, 1648; admitted to Merchant-Taylor's School 1634, born 29 Nov., 1620; rector of St. Margaret-Moses, Fryday street, London, 1651, until ejected for non-conformity in 1662; died at North Warnborough, Hampshire (where he had been privately conducting religious services) in May or June, 1682; was author of sermons and notes on Genesis. He married a sister of Richard Colverwell or Culverwell, minister. (and probably a daughter of Richard Culverwell, rector of St. Margaret's, Fryday street, 1618, &c.) and had I Benjamin; II Culverwell, clerk-assistant to the House of Commons.

The following Warrants to be paid by the Receiver General out of His Majesties Revenue were this day sign'd by the Governor in Council as follows Vizt:

To the Governor $\frac{1}{2}$ a Years Salary ending the 25th of Ap'l last	£1000.	—.	—
To the Gentlemen of the Council for the same time	300.	—.	—
To the Judges & Officers of the Court of Oyer & Terminer in Dec'r last	100.	—.	—
To the Auditor General $\frac{1}{2}$ a Years Salary ending the 25th of Ap'l last	50.	—.	—
To the Solicitor for the same time	50.	—.	—
To the Attorney Gen'l for the same time	35.	—.	—
To the Clerk of the Council for the same time	50.	—.	—
To the Ministers for preaching one Gen'l Court	6.	—.	—
To the Armorer	6.	—.	—
To the Batterys	22.	—.	—
To Repairs about the Governors House	78.	14.	10
To paid William Prentis for Contingent Charges	354.	19.	—
To the Adjutant	75.	—.	—

And out of the Quit Rents.

To the Commissary	£50.	—.	—
To the Attorney General	35.	—.	—

Ordered. That a Commission of the Peace issue for the County of Accomack & that Southy Rew, Wm. Gore, Thos. Parrimore, Robt. Pitt & Ralph Justice be added to the present Justices.

The Petition of Andrew Giles Gent. for leave to practise as an Attorney in the County Courts of this Dominion was read at the Board & refer'd to Mr. Attorney General & Mr. Benj'n Needler to examine the Pet'rs qualifications & to make Report thereof to this Board.

Philip Morgan having obtained a Survey for One thousand Acres of Land in Brunswick County in the Year 1727 upon the

encouragement of His Majesties County & Drury Stith Gent. Surveyor of the said County having this day made proof that he return'd a Platt & Certificate for the said Land w'ch were afterwards lost in the Secretarys Office where by the s'd Morgan hath been hitherto disappointed in taking out his Patent It is Ordered on the Petition of the s'd Morgan that a Patent be now granted without paying any Rights.

The following Petitions for leave to take up His Majesties Lands were read and granted as follows, viz.:

To Henry Robertson One thousand Acres joining John Nances, Thomas Yarbrough & Stith Hardways Lands on both sides little Nottoway River.

To John Ormsby, Clerk, four thousand Acres on both sides Nottoway Road to the branches of Mamazene Creek joining Lee, Westbrook & Bolling in Amelia County.

To Richard Echols twelve hundred Acres in Amelia County on a branch of Nottoway River called by the Name of the Haricon Creek beginning at a small Pine mark'd R E about a quarter of a Mile below Douglass Path running down the Creek for quantity.

To John Williamson twelve hundred Acres already laid off in several Surveys lying on the Branches of the North fork of James River called the Meadow Creek near Charles Linch in Goochland County & to have an inclusive Patent for the whole.

To Sam'l Pincham nine hundred Acres in Amelia County joining his own Land & to have an inclusive Patent.

To Charles Moreman & Charles Mills four thousand Acres beginning on a branch of Meachom River & on the North side Meachoms River betwixt Morman & Meachoms River in Goochland County in one or more Surveys.

To George Braxton Sen'r & George Braxton Jun'r, Humphry Brooke, Robt. Brooke, Robt. Rose & Thos. Chew forty thousand Acres lying on both sides the Fluvanna & on both sides The Pedlar⁹⁹ River in Goochland County below the great Mountains.

To John Jackson fifteen hundred Acres joining his own land

⁹⁹In the western part of the present Amherst.

on the Burchen Swamp in Amelia County & to have an inclusive patent.

To Thos. Chew & Robt. Rose Clerk four thousand Acres (being chiefly barrens) lying between their three Surveys in Goochland County & to have an inclusive Patent for the whole.

To Dav'd Walker one thousand Acres lying in Prince George County joining his own land on Buck Skin Creek & bounded by the lines of Robt. Mundford & Joseph Stroud.

To John Burrow eight hundred Acres in Prince George County beginning on the line of Col. Robert Mundford deceased thence down Harrys Swamp to the line that divides Surry & Prince George Counties thence along the s'd line to the line of Thos. Hunt thence along his line to the line of Thos. Butler thence along his line to the line of Thomas Stroud thence along his line to the line of Joseph Tucker thence along his line to the line of Daniel Tucker thence to the said John Burrows line & to the beginning.

To William Cary eight hundred Acres in Prince George County beginning on Charles Pistols upper corner on the South side great Catt Tail and running down his line to Carys Entry including his former entry of four hundred Acres.

To William Watson nine hundred Acres on both sides the little Creek of Deep Creek joining Bollings, Robertsons & Worshams lines in Amelia County.

To William Crawley three thousand Acres on both sides the great branch Wintidomiack Creek joining Tuckers & Bollings lines in Amelia County.

To William Watson two thousand Acres on the lower side of flatt Creek joining his own & Mayes line in Amelia County.

To Edward Thweat eight hundred Acres on both sides the falls branch joining his own Bollings & Deweys line in Amelia County.

To William Cary One thousand Acres in Prince George County joining on Joseph Worshams line at the upper flatt branch down to Capt. Richard Jones's line & so to the lower flatt branch thence to Mr. Herberts line on the ffox branch.

To Tarlton Flemming William Mayo & Stephen Hughes eight hundred Acres of high barren land bounding on four thousand three hundred Acres of low land on both sides

Willis's Creek in Goochland County granted to them formerly & to have an inclusive Patent.

To Wentworth Webb Leave to have an inclusive Patent for twelve hundred Acres already Surveyed joining Thos. Christians Land on John Phelps's Creek & Bare Garden Creek in Goochland County.

To William Randolph³⁰ John Harmer & Walter King ten thousand Acres on the branches of Roanoke beginning at a Mountain called the Wart, to extend Northward under the blue Ridge of Mountains in one or more Surveys.

To Joseph Mayo eight hundred Acres in Henrico County lying between his own land, Alex'r Robinsons, Abneys & the head of the white Oak Swamp & to have an inclusive Patent.

To William Cabble [Cabell] Leave to have an inclusive Patent for four thousand eight hundred Acres on James River in Goochland County already laid off in several Surveys.

To William Bedshaw Leave to have an inclusive Patent for twelve hundred Acres in Goochland County already Surveyed for him in several Surveys.

To William Mackain three thousand Acres beginning at Capt. Richard Cocks lower Corner in the fork of James River & thence on the River Branches to little Breemer [Bremo] Creek to compleat the quantity.

To William Randolph³¹ John Harmer & Walter King twenty thousand Acres on Tye River & Rock ffish River beginning at Ties & Roses South or South East line to extend towards the mouth of Rock ffish River in one or more Surveys.

To Antho. Relhan, Thos. Cade, Jas. Relhan, Rd. Kennon, Wm. Kennon Jun'r & Frances Kennon Sixty thousand Acres on Cubb Creek beginning on Thos. Ridleys Bark Camp & so up & down both sides the said Creek & towards the Mountains between the main Rivers of Roanoke & Appamattocks in Brunswick County.

³⁰ This grant was in the present County of Patrick, west of the Irving River, as the Mayo was then called. It was probably, at the time, the most westerly grant in that part of the Colony. The first of the grantees was William Randolph, of "Turkey Island," member of the Council. Harmer and King were prominent merchants.

³¹ This grant was in the present county of Nelson.

Whereas John Hyde Saunders hath humbly represented to this Board that on the 19th day of July 1735 he obtained a Patent for four hundred Acres of Land in the County of Goochland as laps'd from George Stoval and John Saunders & that upon examining the Courses of the said Patent it appears by a mistake of the Surveyor that the first course instead of running West is described to run East seventy Chain whereby the Petitioners Land is quite left out & his course runs into an elder Patent, And praying that the same may be rectified & a new Patent granted him according to the true bounds of the said Land vizt.: beginning on the back line of the land formerly granted to Bartho. Stoval now in the possession of Allen Howard on Stovals Branch thence on the said Howards line & Capt. Isham Randolphs line to a corner Oak of the said Randolphs Tract thence South on the lands of the said Randolph, John Taylor & William Mayo to a corner Oak then East to a corner Poplar on the aforesaid Branch. The Governor with the advice of the Council is pleased to Order As it is hereby Ordered That upon the Petitioners returning a new Platt & Survey into the Secretarys Office according to the true bounds of the lands intended to be granted him and surrend'ring his former Patent a new Patent be granted according to the Prayer of his Petition.

At a Council held at the Capitol June 15th, 1738.

PRESENT :

The Governor

Wm. Byrd	John Custis
Cole Diggs	Wm. Randolph*
John Robinson	John Tayloe
John Carter	Ph. Lightfoot &
John Grymes	Thos. Lee Esq'rs.

Whereas William Mayo Gent. Surveyor of Goochland County

* William Randolph of "Turkey Island," (1681-1742), was clerk of Henrico county 1710-30, Clerk of the House of Burgesses, 1702-12, and appointed to the Council 1728. For his epitaph, &c., see this Magazine, III, 261-264,

was employed to prepare Maps of the Boundaries in dispute between His Majesty & the Lord Fairfax Proprietor of the Northern Neck & having accordingly finished several of the said Maps sent to England and one to be kept in the Council Office It is Ordered that in consideration of his expence of time & the trouble he hath been at in this Service there be paid him One hundred & twenty Pounds Current Money out of His Majesties Revenues of 2s. p. hhd.

It being represented to this Board by the Officers of His Majesties Revenue that divers of the Sherifs have neglected to perfect their Acco'ts of His Majesties Quit Rents It is ordered that unless the said Sherifs do Complete their Rent Rolls & pay to the Receiver General the several Sums of Money received by them for the said Quit Rents on or before the 20th day of the next Month that then His Majesties Attorney General is hereby directed to bring suit against such delinquents & their Securitys in the General Court & the Clerk of the Council is Ordered to give the said several Sherifs Notice hereof.

The Governor in Council was pleased to Nominate the following Persons to be Sherifs for the ensuing Year, viz.:

For the County of

Nansemond	Lemuel Reddick.
Lancaster	Jos. Chin.
Brunswick	Nicho. Lanier.
Richmond	Wm. Jordan.
Isle Wight	Thos. Jarrel, Junr.
Eliza. City	Wilson Curle.
Prince George	Isham Epes.
King & Queen	Philemon Byrd.
Middlesex	Churchil Jones.
York	Wm. Nelson.
Norfolk	Wm. Portlock.
Caroline	Robt. Farish.
Hannover	R'd Clough.
Princes Ann	Chas. Malborn.
Accomack	Jas. Wishart.

Dudley Digges Gent. on his application is appointed to supply the Vacancy of Surveyor of the Customs at Cape Charles in the room of Mr. Griffith Bowen dec'd.

On reading at the Board Sundry Letters from Jas. Logan Esqr. President of the Province of Pennsylvania & also a Letter from the Lieut Governor of New York inclosing a representation from the Commissioners for Indian affairs at Albany whereby it appears that the Government of New York expects that this Colony should be at the expence for maintaining the Cherrikee & Cataubaw Indians during the time of their Treaty with the six Nations at Albany It is the Opinion of this Board that such a demand from this Government is very unreasonable in regard those Nations of Indians live at a great distance from hence within the Province of South Carolina or Georgia & that this Government is no other waise concern'd in the quarrel between the said Nations then to medeate a peace between them which is solely for the Interest of the Provinces of New York & Carolina to which they respectively belong & since the Government of New York thinks fit to insist on these Terms & that it appears the said Indians of the Cherrikee & Cataubaw Nations may Negotiate a Peace upon much easier Terms with the Six Nations (who are equally desirous of the same) without the intervention of either Government, It is therefore Resolved that no further application be made to the Government of New York on that subject but that an Interpreter be sent with the said Cherrikees & Cataubaws to Connestogow there to meet the Interpreter of Pensilvania who according to Mr. President Logan's Letter will procure them a conference with the deputies of the six Nations & assist them in settling the Terms of peace between them.

On reading at this Board the Humble Petition of divers Merchants Trading to the West Indies representing that they have great quantities of Indian Corn lying in their Warehouses which they have offered to sell at a moderate rate but can find no purchasers & that if the same continues on their hands until the heat of the Summer encreases it will be in danger of spoiling & praying that the Prohibition on the Exportation thereof may be discontinued. It is the Opinion of this Board & accordingly ordered that from & after the twentieth of this Month no further restraint on the Exportation of Corn be continued.

On the Application of Mr. Samuel Baron Commander of the

ffort at Point Comfort, It is Ordered that a further Sum of One hundred Pounds be advanced him towards finishing the said ffort.

Ordered, That the General Assembly which now stands Prorogued to the second Thursday in August be further prorogued to Wednesday the first of November at w'ch time It is intended to proceed on business.

The Several Petitions of Dudly Digges³³ & Philip Prescott Gent. for Licences to practise as Attornies in the County Courts are referr'd to Mr. Attorney General or Mr. Benj'n Needler to examine the Pet'rs qualifications & make report thereof to this Board.

Ordered, That a new Commission of the Peace issue for James City County & that Mr. Rich'd Booker who has refused to act be left out & Mr. Edm'd Walker & Mr. Leon'd Hendly be Added.

Andrew Wade having entered a Caveat & preferred his Petition for a grant of Fourteen hundred Acres of Land survey'd divers Years agoe for John Smithing as is suggested on hearing the Parties it appearing to this Board that the Deft. hath obtain'd a Patent for one thousand Acres of the said Land & that the other four hundred Acres being a separte Entry hath not yet been surveyed, It is Ordered that the said Caveat be dismis'd.

The Caveat entered by Rich'd Wood against Robert Childers for four hundred Acres of Land in Henrico is dismis'd it appearing that the return of the Survey of the said Land hath been delayed by the death of the Surveyor & not through any default of the Deft. And it is Ordered that the said Childers have a Patent for the aforesaid Land.

The Petition & Caveat entered by Gilbert Elam agt. Wm. Moore & Benja. Branch for seven hundred Acres of Land in Henrico County on hearing the Parties it is ordered to be dismis'd.

Gilbert Elam having petition'd for a Grant of four hundred Acres of Land lying on Deep Creek in Henrico County survey'd

³³ He was probably a son of Dudley and Mary (Hubbard) Digges. See *William and Mary Quarterly*, I, 143, 144.

for John Aikin upwards of six Years agoe & no Patent sued out for the same the Petitioner having proved his Allegations It is Ordered that a Patent be granted him for the said Land.

(TO BE CONTINUED.)

REVOLUTIONARY ARMY ORDERS **For the Main Army under Washington. 1778-1779**

(From Originals in the Collection of the Virginia Historical Society.)

(CONTINUED.)

Head Quarters May 14, 1778.

Brigadier to Morrow Waine.

F. O. Colo¹ Shepard¹ & L¹ Carlton².

Brig^e Major Banister.

Inspector from the 1 Pennsylvania Brig.

The Troops are in future to be exempted from exercise every Fryday afternoon which time is allowed them for washing their linen & bathing.

The Sergeants who Conduct the Squads to bathe are to be particularly Carefull that no man remain longer than ten Minutes in the water, & Commanding Officers of Regiments are to Order two windows at least to be made in each Hutt—as the 2 N. Carolina Levenstons & Angles³ Reg^s ars Sickly the Commanding Officers of those Regiments will apply for Tents to remove their men from their Hutts.

At a Brig^e Court Martial in the Artillery May 9, 1778, whereof Colonel Proctor⁴ was President Capt. F—— Proctor⁵ Tried

¹ Probably Col. William Shepard of Massachusetts.

² Lieutenant Colonel Samuel Carlton of Massachusetts.

³ Colonel Israel Angell, 2d Rhode Island regiment.

⁴ Col. Thomas Proctor of Pennsylvania.

⁵ Captain Francis Proctor of Pennsylvania, who had been dismissed from the service on April 14th, 1775, and reinstated. Heitman gives his present dismissal as on April 14, 1778.